IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 9TH NOVEMBER 2006 / 18TH KARTHIKA 1928

Bail Appl..No. 6519 of 2006()

CRIME NO.190/2006 OF KUMILY POLICE STATION

PETITIONER.

RAMACHANDRAN, AGED 44 YEARS,
RAMANILAYAM, PUNNAPRA POST,
ALAPPUZHA.

BY ADV. SMT.T.D.RAJALAKSHMI

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KUMILY
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6519 of 2006

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Dated this the 9th day of November, 2006

O R D E R

The petitioner is the brother-in-law of the de facto complainant.

2. The prosecution submits that there had been monetary transactions between the petitioner and the de facto complainant.

3. The learned counsel for the petitioner submits that the petitioner was in America and he sent a large amount of money in the name of the complainant, who, it is alleged, misappropriated the same. Therefore, there was difference of opinion between both of them.

4. The de facto complainant was attacked by six accused. Therefore, at his instance, Crime No.190/2006 of Kumily Police Station, was registered for the offence punishable under Sections 511 of 363, 324 and 323 I.P.C., read with Section 34 of the Indian Penal Code.

5. The counsel for the petitioner, however submits,

relying on the First Information Statement, that the complainant had only doubt about the presence of the petitioner.

6. The prosecution submits that it was the petitioner who arranged the other accused, for kidnapping the de facto complainant, in a van, from where he escaped. The complainant sustained injuries while he was escaping from the grip of the other accused.

7. In the above fact situation, I direct the petitioner to surrender before the Investigating Officer, who is investigating Crime No.190/2006 of Kumily Police Station, on 16/11/2006, at 10 a.m.

8. The Investigating Officer shall, after interrogation, release the petitioner on bail, in the event of his arrest, on his executing a bond for Rs.15,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

9. However, if the Investigating Officer is of the opinion that the custodial interrogation of the petitioner is necessary, he may move an application for the same, before the

court below, in which event, the learned Magistrate shall hear both sides and pass appropriate orders, uninfluenced by the directions contained in this order.

(J.M.JAMES)
Judge

ms